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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,029	03/02/2004	Jay S. Walker	03-013	1254

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WALKER DIGITAL MANAGEMENT, LLC
2 HIGH RIDGE PARK
STAMFORD, CT 06905

EXAMINER	
NGUYEN, DAT	

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/791,029	WALKER ET AL.	
	Examiner	Art Unit	
	DAT T. NGUYEN	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,6,8-10,12,13,15,17,19-23,26,28,30-32,34,35,38-41 and 43-57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4, 6, 8-10, 12, 13, 15, 17, 19-23, 26, 28, 30-32, 34, 35, 38-41 and 43-57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is responsive to the amendments and arguments filed on 12/13/2007 and 09/20/2007 in which applicant adds new claims 39-57, withdraws claims 7, 11, 18, 22, 29, 33 and 42, and responds to claim rejections. Claims 1, 4, 6, 8-10, 12, 13, 15, 17, 19-23, 26, 28, 30-32, 34, 35, 38-41 and 43-57 are pending.

Claim Rejections - 35 USC § 112

Claim 39 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim recites that the representation is "not a paytable", however there is no support for such a limitation in the instant specification and therefore will be treated as new matter.

Claim 43 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims require the second display having an input to accept input from the player, however no support is found in the specificaiton and therefore the claim will be treated as new matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4, 6, 8, 10, 12, 15, 17, 19, 21, 23, 28, 30, 32, 35, 38-41, 43-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkov (US 6,695,696 B1) in view of Bennett et al. (US Patent Pub. 2003/0001338 A1).

Claims 1, 4, 6-8, 10, 12, 15, 17-19, 21, 23, 28-30, 32, 35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow (US 6,695,696 B1) in view of Bennett et al. (US Patent Pub. 2003/0001338 A1).

Regarding independent claims 1, 4, 6, 12, 15, 23, 26, 35, 38 and 55, Kaminkow teaches a gaming device having that secondary display for providing the user with winning payline information. More specifically, Kaminkow teaches a slot machine comprising:

a. A processor (feature 38);

b. A first display coupled to the processor and operable to display a non-linear outcome, the non-linear outcome including a set of reel positions that are disposed along a line that is not straight, each reel position including at least one symbol (See figure 7 and the description thereof);

c. The first display screen displays the outcome in a conventional manner wherein the non-linear outcomes are displayed in a non-linear manner (figure 7);

Kaminkow fails to explicitly disclose displaying the non-linear outcome as a horizontal or straight linear outcome. Bennett et al. however teaches displaying in a secondary display an indication of the winning game outcome in a horizontal linear format (figures 7-9). Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to redisplay nonlinear outcomes as horizontal linear outcomes as taught by Bennett et al. in order to make reading the results of the outcome easier for players.Regarding claims 6, 17 and 28, wherein the second display displays an indication of which outcomes are winning outcomes (col. 10, lines 24-38; winning outcomes receiving a payout are highlighted).

Regarding claims 7, 18 and 29, wherein the second display further displays an indication of which outcomes are non-winning outcomes. As stated in the discussion regarding claim 6, 17 and 28, the winning outcomes are highlighted therefore non-winning outcomes are not highlighted which can be considered an indication of a non-winning outcome.

Regarding claims 8, 19 and 30, wherein the second display further displays an indication of outcomes upon which a wager was placed (col. 12, lines 38-52; the second display further comprises a table for the payout of each payline, therefore the player bidding on various paylines will receive a payout table which indicates which paylines they've played and their payout corresponding to each payline).

Regarding claims 10, 21 and 32, wherein the second display only displays winning outcomes (col. 11, lines 20-45).

Regarding claim 39, wherein the representation is not a paytable. The display Kaminkov is not a paytable and neither is that of Bennett, in that Bennett's display is a scorecard or a dynamic paytable.

Regarding claims 40 and 41, Bennett's display redisplays the outcome as a linear outcome and substantially concurrently (figures 7 and 8 of Bennett).

Regarding claim 43, Although the prior art does not teach he use of the secondary display of Kaminkov to be used as an input device for making wagers by the player, such a modification is old and well known in the art as it is a mere duplication of essential working parts of a device and involves only routine skill in the art. Therefore it would have been obvious to one of ordinary skill in the art to implement another input device in the secondary display, similar to that of the first display.

Regarding claims 44, 54, 56 and 57, the prior art fails to explicitly teach the limitation of allowing players to request additional information and displaying textual explanation of non-winning outcomes. However it is notoriously old and well known in the art to display instructions or text to guide players through a game. Such instructions would include that of analysis of non-winning outcomes. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to include textual explanations of non-winning outcomes.

Regarding claims 45-47, Kaminkov teaches the use of highlighting to indicate reels that a player has wagered on (11:35-45) and therefore inherently paylines that are not highlighted are indicated as non-wagered paylines. The two are visually distinct from one another.

Regarding claims 48-52, the prior art fails to teach:

A supplemental display controller comprising a mobile terminal that is a PDA wherein it is adapted to be used with a slot machine and to display a payout per payline. PDAs, remotes, or laptops as remote controllers for slot machines is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to include a PDA as a remote controller to the slot machine so players may have the increased ease of not having to sit at a slot machine to play.

Regarding claim 53, the prior art fails to teach the limitation of allowing players to turn the secondary display off. Allowing players to turn displays on and off is notoriously well known in the art, especially for secondary displays. Such an augmentation would be a mater of routine to one of ordinary skill in the art. Therefore it would have been obvious to one of ordinary skill in the art to implement an on/off feature in the secondary display in order for more advanced players who do not need the added guidance to play with out being distracted by a secondary display.

Claims 6, 9, 15, 20, 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow in view of Bennett et al. as applied to claims 6, 15 and 26 above and further in view of Falconer (US Pub. 2003/0060268).

Kaminkow teaches a slot machine, method and supplemental display as discussed in greater detail above. However, Kaminkow does not explicitly teach display an indication of a payout amount per each outcome that would have been won had a wager been placed upon each outcome. In a related gaming device, Falconer teaches a slot machine having multiple displays (features 30, 32 and figure 1B). The slot

machine displays paylines not chosen by the player in order to increase layer excitement by providing the player with information (payout amounts) on paylines not wager on by the player that would have been won had the player wagered on the not chosen paylines (paragraph 45). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the display of Kaminkow to display an indication of a payout amount per each outcome that would have been won had a wager been placed upon each outcome as taught by Falconer in order to increase the player excitement as desirably taught by Falconer in paragraph 45.

Claims 6, 15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow in view of Bennett et al. as applied to claims 6, 15 and 26 above and further in view of Singer et al. (US Pub. 2004/0192431)

Kaminkow is silent regarding displaying the winning outcomes separately from the non-winning outcomes. Singer discloses that winning outcomes are separately displayed from non-winning outcomes (Figures 5B and 7 along with the related description thereof, wherein winning and non-winning outcomes are separately displayed on a reel set displays 200a, 200b, 200c, 200d and 200e). Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the display of Kaminkow to indicate non-winning outcomes on a display separately from winning outcomes as taught by Singer in order to allow players the ability to easily and quickly assess the outcome of the game of chance.

Claims 26 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow as applied to claim 26 above and further in view of Benbrahim (US Pub. 2003/0186736).

Kaminkow does not explicitly teach displaying an explanation of why an outcome is a winning outcome or a non-winning outcome. In a related gaming device, Benbrahim teaches a slot machine that allows a player to play multiple paylines simultaneously (Fig. 8 and the related description thereof). An explanation of why an outcome is a winning out come or a non-winning outcome is displayed on the screen 450 (Fig. 8) to help clarify winning outcomes and non-winning outcomes to players requiring assistance to decipher winning outcomes and payout totals (paragraph 3 and 55). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display of Kaminkow to display an explanation of why an outcome is a winning outcome or a non-winning outcome as taught by Benbrahim in order to clarify winning outcomes and non-winning outcomes to players as taught by Benbrahim in paragraph 3 of Benbrahim.

Response to Arguments

Applicant's arguments filed 09/20/2007 have been fully considered but they are not persuasive.

Applicant argues that the prior art fails to meet the claimed limitations of displaying a non-linear outcome as a straight line. Applicant alleges that Bennett fails to

teach the claimed limitation because Bennett's scorecard 22 is "also sometimes referred to as a paytable" (Bennett, [0026]). Merely because Bennett calls it a scorecard or a paytable does not limit it to being a conventional paytable as applicant is trying to suggest. Rather the invention of Bennett relates to an improved version that performs and has the same features as applicant's invention in the displaying of the game outcomes (be it linear or non-linear) as linear outcomes in the scorecard. Applicant states that this interpretation is unreasonably broad, however the examiner respectfully disagrees. Applicant's own invention is very similar to the score card in that it also displays the game results as a linear outcome on a secondary display similar to that taught by Bennett.

Regarding the motivation to combine, Applicant alleges that because Kaminkov already provides a solution to the problem of making game results easier to read, any further modification to improve the solution would not be obvious. The examiner respectfully disagrees. Given the teaching of Bennett and the lack of a teaching away, the suggested modification and motivation is completely obvious and proper.

Applicant further argues that even if the combination were obvious, they would not be combined to properly meet the claimed limitations in that the scorecard of Bennett would be used to replace a paytable that is allegedly to be on the belly glass of the device of Kaminkov. The examiner respectfully disagrees. The examiner believes that applicant is interpreting the teachings of Bennett's scorecard far too narrowly. Both the devices of Bennett and Kaminkov are secondary displays that help aid in a user understanding/assessing the game results. Kaminkov merely displays the results in a

larger screen, however Bennett teaches the redisplay of the results in a scorecard format so that players may more easily understand the outcome, such redisplay would also include the linear display of non-linear outcomes as clearly shown by Bennett in figures 7 and 8 and further described in the detailed description thereof and the above rejection. Conceivably the display scheme of Bennett could be used in combination with that of Kaminkov without any conflict, in that the display of Kaminkov displays a larger version of the game and shortly therein after the game has been played the display could switch to that taught by Bennett to further aid players in judging the result of the game.

Regarding claims 10, 21 and 32, applicant references figure 6I to show the display of nonwinning outcomes. The examiner respectfully disagrees. Applicant has completely ignored the cited reference and made no attempt at explaining why the cited reference (11:20-45) does not meet the claimed limitation. Rather applicant has cited a drawing that depicts an alternative embodiment. In the cited passage, Kaminkov explicitly states that the second display "preferably displays each winning payline alone separately and in series." Since the display displays the wining symbols alone, it can be said that at certain times it only displays winning outcomes.

Regarding claims 6 and 15, applicant alleges the prior art fails to meet the claimed limitations. The claims merely require the display of the outcomes in a first display and the secondary display indicating which outcomes are winning outcomes. As already addressed previous and in the instant rejection, Kaminkov teach such a limitation. Bent payline can be seen in payline labeled "payline 4" on figure 6D. while

the teaching for the indication of the wining paylines can also be found in 11:20-45 of Kaminkov.

The rest of applicants arguments are broad allegations that merely state the teachings of certain claims are not taught, however no support or substantive arguments are provided. The examiner interprets these arguments as being generic allegations and refers applicant to the current rejection for a discussion of why they are met by the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(US 6,270,410 B1) DeMar et al. teaches the use of remote controllers for slot machines.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAT T. NGUYEN whose telephone number is (571)272-2178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714

Dat Nguyen